

EXHIBIT 2

ROUGH DRAFT

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5 Rough draft transcript of Jace W. Connor

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7 Deposition on December 13th, 2022.

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10 VIDEOGRAPHER: We are now on the
11 record. My name is Maddie Cowell. I'm a
12 videographer for Golkow Litigation
13 Services. Today's date is December 13th,
14 2020, and the time is 10:03 a.m. This
15 remote video deposition is being held in
16 the matter of Flint Water Cases, CA
17 No. 5:16-cv-10444 JELMKM consolidated.
18 The deponent is Jace W. Connor. All
19 parties to this deposition are appearing
20 remotely and have agreed to the witness
21 being sworn in remotely. Due to the
22 nature of remote reporting, please pause
briefly before speaking to ensure all

23 parties are heard completely. The counsel
24 will be noted on the stenographic record.

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1 The court reporter is Trisha Cameron and
2 will now swear in witness.

3 * * *

4 WITNESS,

5 having been first duly sworn,
6 was examined and testified as follows:

7 * * *

8 EXAMINATION

9 BY MR. STERN:

10 Q. Mr. Connor, my name is Corey Stern. I'll be taking
11 your deposition today. I represent a number of
12 individual plaintiffs. When you just said I do to
13 the oath, it was very hard for me to hear you. You
14 sounded like you were distant. Would you mind just
15 saying your name for the record and where you're
16 presently sitting so that we can see if we can hear
17 you okay?

8 Mr. Connor, my name is Kelly Kramer, and I
9 represent VNA. I have a few questions for you about
10 your responsibilities.

11 Have you been responsible for VNA's Google
12 ad words account since you joined the company in
13 2017?

14 A. Yes.

15 Q. Okay. Were you the person who had primary
16 responsibility for managing that account since you
17 joined the company?

18 A. Yes.

19 Q. Are you the person who is most knowledgeable about
20 VNA's use of Google ad words, its Google ad words
21 account as it relates to the Flint water crisis?

22 A. Correct.

23 Q. Okay. So focusing on that Google ad words account.
24 Does Google advertising allow users to use geographic

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1 and demographic targeting tools?

2 A. Yes. They allow it. It's the industry standard.

3 Q. Okay. And are you generally familiar with the
4 geographic and demographic targeting options that
5 Google makes available to users?

6 A. Yes, I am.

7 Q. Okay. Are Google ad word users able to target
8 advertising to particular states?

9 A. Yes. You can target by state.

10 Q. Okay. Can you target advertising to particular
11 counties?

12 A. Yes. Counties too.

13 Q. Okay. Can you target advertising to particular ZIP
14 codes?

15 A. Yep.

16 Q. Can you target things like universities?

17 A. Yes, you can.

18 Q. Okay. And in fact, beyond the examples I just talked
19 about are there a significant number of other
20 geographic targeting options available to Google ad
21 word users?

22 A. Yeah. There's a lot more options.

23 Q. Okay. I'm focusing now on how VNA actually used the
24 Google ad words product as it relates to Flint. Did



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1 VNA target its advertising to particular states?

2 A. No.

3 Q. Did VNA target its advertising to particular
4 counties?

5 A. No, it did not.

6 Q. Did it target particular ZIP codes?

7 A. Nope.

8 Q. Did it target particular universities?

9 A. Absolutely not.

10 Q. Okay. And, in fact, beyond limiting the ads to the
11 United States and Canada, did VNA make use of any of
12 the geographic targeting options available on Google?

13 A. No, we did not.

14 Q. Okay. Turning to demographics. Are Google ad word
15 users able to target advertising to particular user
16 demographics?

17 A. Absolutely.

18 Q. Okay. So you could target men?

19 A. Yeah, that's -- absolutely.

20 Q. Okay. You could target people over 45?

21 A. Yeah. It's your target audience. You can target
22 your audience for marketing and whatever purposes.

23 Sure.

24 Q. You could target people whose incomes exceed say

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1 \$100,000?

2 A. Correct.

3 Q. And, in fact, beyond these examples, are there a
4 significant number of other demographic targeting
5 options that Google makes available to advertisers?

6 A. A plethora of them. Virtually any demographic with
7 the exception of race and religion.

8 Q. Okay. So focusing again on how VNA actually used the
9 Google ad words product as it relates to Flint. Did
10 VNA target its advertising to any particular
11 demographic?

12 A. No, it did not.

13 Q. Did it target men?

14 A. No.

15 Q. Did it target people over 45?

16 A. Nope.

17 Q. Okay. Did VNA make any use whatsoever of any of the

18 demographic targeting options available on Google?

19 A. No, it didn't.

20 Q. Mr. Connor, are you generally familiar with how the
21 Google ad word program works?

22 A. I am.

23 Q. Okay. What does a user need to do before he or she
24 can possibly see one of these Google ads?

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1 A. What does the user have to do?

2 Q. Yeah.

3 A. The user has to search for a topic or a subject, a
4 service that relates to a specific keywords of that
5 ad in order to trigger that ad to display.

6 Q. Okay. So if a user doesn't enter search terms,
7 keyword terms into Google, would they ever see any of
8 VNA's Google ads?

9 A. No. Nope.

10 Q. Is there any way that anyone would be served with one
11 of these VNA ads about Flint if they weren't actively
12 searching for information on Google?

13 A. No. It's not something you just stumble upon. You
14 have to trigger an ad display through select
15 keywords.

16 Q. Mr. Connor, are you generally familiar with VNA s
17 budget for the Google ad words relating to Flint?

18 A. Yep, I am.

19 Q. What was the daily budget for the advertising related
20 to Flint?

21 A. It's set at \$75 a day.

22 Q. Okay. Based on your experience for an organization
23 the size of Veolia, is it \$75 an ad day -- \$75 a day
24 ad purchase, is that substantial?

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1 A. No.

2 MR. STERN: Objection.

3 THE WITNESS: No. For an
4 organization the size of Veolia, that's
5 not a substantial spend.

6 BY MR. KRAMER:

7 Q. Between 2017 and the present, did you ever increase

8 the budget above \$75 a day?

9 A. Absolutely not.

10 Q. Mr. Connor, you were asked some questions about
11 Google's dynamic ad features.

12 A. Uh-huh.

13 Q. Okay. Does Google offer its users a variety of
14 different dynamic ad features?

15 A. Yes. There's options.

16 Q. Okay. Which dynamic ad features, if any, did VNA
17 actually use in its advertising?

18 A. The only dynamic option that's enabled is for multi
19 title, multi description, what we would call
20 variables. And the intent is based off of a user's
21 search, the platform can display one or more of the
22 more relevant titles and descriptions relative to
23 that search.

24 Q. Okay. So at any point did VNA allow Google to change

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1 the text, like to rewrite the headline or description

2 for any of its ads?

3 A. No. Google doesn't make up your descriptions or your
4 titles or write for you.

5 Q. More broadly, did VNA utilize any sort of artificial
6 intelligence technology to change the text of its
7 advertising or to alter it based on user response?

8 A. No.

9 Q. Mr. Connor, how long have you been responsible for
10 managing the Google ad words account?

11 A. For Veolia North America, since I assumed the
12 position in 2017.

13 Q. Okay. During that time, did you ever expand the
14 number of keywords that VNA purchased?

15 A. No.

16 Q. Did you ever seek to ramp up the number of ads that
17 were displayed?

18 A. No.

19 Q. Did you pay much attention to these ads?

20 A. No.

21 Q. In your experience, did anyone at VNA pay attention
22 to these advertisements?

23 A. I would say no.

24 Q. In the five years that you managed the account, how

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1 many times had anyone asked you for an analysis or
2 for metrics about how the ads are performing?

3 A. One time in five years.

4 Q. During those five years, did you take any steps to
5 improve the performance of the ads?

6 A. No.

7 Q. Did anyone ever ask you to improve the -- take steps
8 to improve the performance of the ads?

9 A. No.

10 Q. Mr. Connor, you were a few questions about the
11 Detroit article that ran in September. Mr. Stern
12 showed you a copy of it as an exhibit. Do you recall
13 that?

14 A. I do.

15 Q. Are you familiar with that article?

16 A. I am.

17 Q. Did you review it when it was published?

18 A. I did.

19 Q. Did you form any opinions as to whether the
20 allegations in the article were accurate?

21 A. I absolutely did.

22 Q. Okay. And what opinions did you form about whether

23 those allegations are in fact accurate?

24 A. Sorry. Could you repeat that question.

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1 Q. Yeah. What was your view? Do you think that the
2 allegations in the article were accurate?

3 A. I have to contain my language. But it was -- it was
4 absolutely wrong, inaccurate. It's -- I mean, I
5 could use all kind of descriptors as to how I felt
6 when I saw it. It was just -- it was misleading. It
7 was false. It was just beyond me that that level of
8 reporting -- wasn't even -- usually you're given an
9 opportunity to comment on a report somebody's going
10 to write. I mean, this was just -- it was -- I'm
11 sorry. It was just garbage to me.

12 Q. Let me ask about specific allegations. Did VNA ramp
13 up its digital advertising campaign in advance of
14 jury selection?

15 A. Absolutely not.

16 Q. Did VNA more than triple the number of keyword search
17 terms in Google in advance of jury selection?

- 18 A. No.
- 19 Q. Did VNA target any state?
- 20 A. No.
- 21 Q. Any region?
- 22 A. No.
- 23 Q. Any ZIP code?
- 24 A. No.

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- 1 Q. Any radius?
- 2 A. No.
- 3 Q. Is it fair to say that you think the article overall
- 4 is completely false and misleading?
- 5 A. 100 percent.
- 6 Q. Mr. Connor, I'd like to ask you just a couple of
- 7 questions about the audience of these ads. You were
- 8 asked questions about who the ads were directed to by
- 9 Mr. Stern early. Do you recall that?
- 10 A. Yeah. Uh-huh.
- 11 Q. Based on your experience, who do you believe that VNA
- 12 was trying to reach with these ads?

13 A. Well, anyone interested in the topic, I suppose. You
14 know, but customers have questions, potential clients
15 have questions. The general public might have -- you
16 know, be doing research or questions about, you know,
17 a certain topic or subject. So I think that -- that
18 information, the intent is just that that information
19 is available.

20 Q. Did anyone ever tell you that VNA was actually trying
21 to reach jurors or potential jurors with these
22 advertisements?

23 A. No. Absolutely not. Absolutely not.

24 Q. Did anyone ever hint or suggest that VNA was trying

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1 to reach jurors with this advertising?

2 A. No. Nope.

3 Q. And based on everything you know about the
4 advertising from managing it for more than five
5 years, are you confident that VNA was not in fact
6 trying to influence jurors in any way, shape, or
7 form?

8 MR. STERN: Objection.

9 THE WITNESS: Can I answer that?

10 BY MR. KRAMER:

11 Q. Yeah, you can answer?

12 A. Yeah. No.

13 Q. Just to be clear, you're saying no, there was no
14 intent to influence jurors as far as you know?

15 A. Regarding the ad words campaign and what we're
16 talking about? No. I mean, if somebody had came to
17 me and said can you target, tailor an ad, I
18 wouldn't -- I would have absolutely said no or would
19 have resigned. I would have never done that.

20 Q. I have nothing else.

21 MR. STERN: I have a couple of
22 follow-ups for you, sir.

23 FURTHER EXAMINATION

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1 BY MR. STERN:

2 Q. You were not -- you were not in charge of updating